

## REMARKS

### Status of the Claims

- Claims 1, 2, 4 and 5 are pending in the Application.
- Claims 1, 2, 4 and 5 are rejected by Examiner.
- Claims 1 and 4 have been amended.

### Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,184,767 B2 to Gandolfo (hereinafter Gandolfo) in view of U.S. Patent No. 6,891,820 B1 to Pham et al. (hereinafter Pham). Applicant respectfully traverses the rejection.

The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. § 103. Section 2143.03 of the MPEP requires the “consideration” of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely “consider” each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeals and Interferences has confirmed, a proper obviousness determination requires that an Examiner make “a searching comparison of the claimed invention - *including all its limitations* - with the teaching of the prior art.” See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Applicant respectfully submits that for the reasons discussed below the subject claims are patentably distinguishable over the cited combination because the cited combination fails to disclose or suggest each and every one of the elements as recited in the amended claims. Reconsideration of the rejection is earnestly solicited based at least on the following remarks.

Claim 1 of the present invention recites a method of creation of a new communication network by a wireless terminal, wherein the wireless terminal initially being part of an existing centralized network that includes an access point able to control the association of wireless terminals to its network, it includes, for the associated terminal, the steps of disassociation of the wireless terminal, initiated by said wireless terminal, from the existing centralized network; and initiation of a procedure for creating a new network, coexisting with the existing network, including a declaration of the terminal as access point of the new network, where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network, the new network using a frequency different from the frequency used by the existing network.

Gandolfo describes a wireless scatternet that has at least two networks, each including a controller and one or more devices. The controller of each network has a usable physical area that indicates the farthest distance to which the controller can successfully communicate. The controllers will pass network information to each other in various ways depending upon the extent of overlap between the networks. If two networks have visible overlap, the controllers will pass the network information directly. If they have hidden overlap, one controller will use a device in the other controller's network to pass the network information. If they have indirect overlap, one device from each network will merge together in a child network, and the controllers will pass the network information via the devices in this child network. The network information may be passed through beacons or a separate broadcast message. (See Gandolfo, col. 5, lines 7-67 and col. 6, lines 1-31)

Gandolfo neither teaches nor suggests “disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network” as recited in pending claim 1. Gandolfo only describes a method facilitating communications between multiple overlapping or adjacent wireless personal (or local) area networks. In addition, the Office Action also concedes that Gandolfo neither teaches nor suggests “disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network” as recited in pending claim 1. However, Pham has been cited as describing the aforementioned feature and curing the deficiencies of Gandolfo. Applicant respectfully disagrees.

Pham describes a data communication system capable of forwarding IP-addressed data to devices as such devices move among networks having different IP addresses. The system of Pham includes first and second networks containing first and second pluralities of nodes. At least one of the first plurality of nodes is adapted to receive data transmissions from an external IP-based network. Upon joining the first network, this device is assigned an IP address which remains with it irrespective of whether it moves beyond the range of the first network. When this device roams into the vicinity of the second network, data addressed to the device which is received at the first network is forwarded via at least one node of the second network to the device. (See Pham, col. 2, lines 30-56)

Pham, like Gandolfo, neither teaches nor suggests “disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network” as recited in pending claim 1. Pham describes a method allowing a device to continue communication via an Internet protocol even while moving amongst networks having different associated IP addresses. Figure 1 of Pham shows that a mobile device D1 is assigned an IP address by access node A1, where A1 defines a wireless network 20 with its wireless coverage area. As long as D1 stays within wireless network 20, access node A1 remains connected to mobile device D1 via wireless node L1, which is

associated to wireless network 20. When D1 is outside the wireless coverage area of A1, D1 listens to the connectivity information broadcast by the nodes within its range in order to determine a new wireless node that is able to support and establish a connection between access node A1 and D1. This wireless node is denoted as L3 (see Pham, col. 4, line 66 to col. 5, line 12). Mobile device D1 is thus able to keep its association to access node A1 even if D1 is out of the wireless coverage area of A1. In a separate embodiment described by Pham, and shown in Figure 2, wireless node L2' belongs to the first and second wireless networks 20' and 22'. Mobile device D1', which is associated to wireless network 20', that is assigned an IP address by access node A1' of wireless network 20' communicates with access node A1' via wireless node L1'. Once device D1' begins moving outside of wireless network 20', D1' listens to connectivity information which is broadcast by other wireless nodes within range in order to determine if it can establish a simultaneous communication to node A1' by using a different wireless node that is not wireless node L1'. When a connection with wireless node L2' is established D1' is able to drop the connection with L1'. However D1' remains associated with A1'. D1' keeps the same IP address, which means D1' is never disassociated from wireless network 20'. This is wholly unlike claim 1 of the claimed arrangement which recites "dissociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network." Claim 1 specifically provides that the wireless terminal is disassociated from the central network with the disassociation performed by the wireless terminal itself. This is advantageous because the wireless terminal may make the disassociation with its own initiative in response to an initial network not responding to requests in a favorable manner. Thus, Pham (like Gandolfo), neither teaches nor suggests "disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network" as recited in pending claim 1.

Since Pham fails to cure the deficiencies of Gandolfo, Applicant respectfully asserts that a combination of Gandolfo and Pham also neither teaches nor suggests "disassociation of the wireless terminal, initiated by the wireless terminal, from the

existing centralized network” as recited in pending claim 1. A combination of Gandolfo and Pham describes a system where a mobile device is able to establish connections with different wireless nodes. However, the combination would not provide for disassociation of the wireless terminal from an existing centralized network, where the wireless terminal initiates the disassociation. Thus, the combination of Gandolfo and Pham neither teaches nor suggests “disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network” as recited in pending claim 1. Therefore, it is respectfully submitted that the rejection of claim 1 is overcome and should be withdrawn.

Independent claim 4 includes features similar to those found in claim 1 and is considered patentable for the reasons presented above with regard to claim 1 per MPEP §2143.03. Specifically, the combination of Gandolfo and Pham neither teaches nor suggests “wherein the wireless terminal additionally includes in its memory a code to perform a disassociation of the wireless terminal, initiated by said wireless terminal, from a network” as recited in pending claim 4. Therefore, it is respectfully submitted that the rejection of claim 4 is overcome and should be withdrawn.

Claims 2 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,184,767 B2 to Gandolfo (hereinafter Gandolfo) in view of U.S. Patent No. 6,891,820 B1 to Pham et al. (hereinafter Pham) and in further view of U.S. Patent No. 7,082,535 B1 to Norman et al. (hereinafter Norman).

Norman describes architecture for controlling access by a LEAP wireless client to a network that utilizes a challenge/handshake authentication protocol (CHAP). A LEAP proxy service is hosted on a network server disposed on the network, and accessed in response to receiving access information from the client. The access information is processed with the proxy service into CHAP-compatible access information, and forwarded to a CHAP-based access control server disposed on the

network to determine whether to grant network access to the client. (See Norman, col. 2, lines 57-67)

Norman, taken alone or in combination with Gandolfo and/or Pham neither teaches nor suggests “disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network” as recited in pending claim 1 or “wherein the wireless terminal additionally includes in its memory a code to perform a disassociation of the wireless terminal, initiated by said wireless terminal, from a network” as recited in pending claim 4. Norman describes providing a proxy service in wireless network legacy systems in order to facilitate wireless authentication. Norman is silent with regards to creation of a new network by a wireless terminal after disassociation from an existing network while maintaining that the new network and existing network do not interfere with each other. As a result, Norman does not cure the deficiencies present in Gandolfo and Pham with regard to claim 1 as discussed above. Similarly, Norman also does not cure the deficiencies present in Gandolfo and Pham with regard to claim 4 as discussed above.

Claims 2 and 5 are dependent on claims 1 and 4, respectively and are considered patentable for the reasons presented above with regard to claims 1 and 4 per MPEP §2143.03. Therefore, it is respectfully submitted that the combination of Gandolfo, Pham, and Norman fails to teach or suggest the features of claims 2 and 5. Consequently, withdrawal of the rejection of dependent claims 2 and 5 is respectfully requested.

### **Conclusion**

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests continued examination as well as reconsideration and withdrawal of the 35 U.S.C. §103 rejections of the pending claims.

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Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration for a notice of allowance is respectfully solicited.

If there are any additional charges in connection with this requested amendment, and request for continued examination, the Examiner is authorized to charge Deposit Account No. 07-0832 therefore.

Respectfully submitted,  
Renaud Dore

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/Jerome G. Schaefer/

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